

## REMARKS

Upon entry of the following amendment, claims 1, 128 – 135, 142 – 170 and 205 – 218 are pending, while claims 2 – 127, 136 – 141, 171 – 204, 219 and 220 have been cancelled. Claim 1 has been amended to now recite the limitations of claims 127 and 141. These amendments add no new matter.

### THE 35 U.S.C. §103(A) REJECTIONS

The Examiner has rejected claims 1, 205 and 213 – 218 under 35 U.S.C. § 103(a) as being unpatentable over Dunn (US Patent No. 5,830,999; “**Dunn**”) in view of Franke & Groeneveld (Transit. Met. Chem., 1981, 6, 54-56; “**Franke**”).

Applicants have amended claim 1 to now recite the limitations of claims 127 and 141. Accordingly, Applicants believe that the present rejection is now moot.

The Examiner has rejected claims 127 – 140, 150 – 153, 155 – 157 under 35 U.S.C. § 103(a) as being unpatentable over Dunn (US Patent No. 5,830,999; “**Dunn**”) in view of Franke & Groeneveld (Transit. Met. Chem., 1981, 6, 54-56; “**Franke**”) and Ciarkowski *et al.* (Org. Mag. Res., 1979, 12, 631 -636; “**Ciarkowski**”). The Examiner has also rejected claims 127 – 140, 150 – 153, 155 – 157 under 35 U.S.C. § 103(a) as being unpatentable over Dunn (US Patent No. 5,830,999; “**Dunn**”) in view of Franke & Groeneveld (Transit. Met. Chem., 1981, 6, 54-56; “**Franke**”) and Makovec *et al.* (J. Med. Chem., 1992, 35, 3633-3640; “**Makovec**”).

Applicants have amended claim 1 to now recite the limitations of claims 127 and 141. Accordingly, Applicants believe that the present rejection is now moot.

The Examiner has rejected claims 1, 127 – 170, 205 – 218 under 35 U.S.C. § 103(a) as being unpatentable over Dunn (US Patent No. 5,830,999; “**Dunn**”) in view of Olsen *et al.* (US Patent Application No. 2003/0229120; “**Olsen**”).

Applicants assert that the present Application and US Patent Application No. 2003/0229120 were, at the time the present invention was made, owned by Novo Nordisk, Inc. As such, US Patent Application No. 2003/0229120 is disqualified from being used in the present rejection under 35

U.S.C. §103(a) against the claims of the present Application, as set forth in M.P.E.P. §706.02(1)(2)(II). Accordingly, Applicants believe that the present rejection is now moot.

#### **THE DOUBLE PATENTING REJECTIONS**

The Examiner has provisionally rejected claims 1, 127 – 170, 205 – 218 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims of copending US Patent Application No. 11/226,870.

Upon notification of allowable subject matter, Applicants will file a terminal disclaimer as appropriate. Accordingly, Applicants believe that the present rejection is now moot.

#### **CONCLUSION**

In view of the above, it is respectfully submitted that the application is now in condition for allowance and issue. Early action to that end is respectfully requested. Applicants believe that no additional fees are due. However, should any fees be due, the Commissioner is hereby authorized to charge any fees in connection with this application and to credit any overpayments to Deposit Account No. 14-1447. The Examiner is invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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